

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 921 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RATILAL HARJIVAN

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR SK PATEL, APP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/11/1999

ORAL JUDGEMENT

1. The accused - petitioner by this petition under Article 226 of the Constitution prays for his release on parole leave of 60 days. In the application he has given out the reasons for his release on parole leave as against the judgment of this court in appeal, he wants to prefer appeal before the Supreme Court and what he states to prefer appeal, he needs 60 days time to collect the

papers from Rajkot and this Court. The accused petitioner is in jail at present. He can file an appeal directly through jail authority to the Supreme Court, if he really desirous of filing of the same. Grounds given appears to be grounds to get out from the prison on one or for other pretext. I fail to understand what for his presence is necessary in the criminal matter, more so, when this is an appeal against the conviction. In criminal appeal in preparation thereof that standard requirement and form is not necessary as what it is required in the civil case. Simple appeal memo is to be presented and rest of things are to be taken care of by the Court.

2. There is a provision in Jail Manual what Shri Patel states to take care of such petitioner - convict who desires to file appeal against the judgment of his conviction. This application appears to be only an attempt or pretext to get out one or other way out of the jail.

3. In the result, Special Criminal Application fails and the same is dismissed. Rule discharged. No order as to costs.

(S.K.Keshote,J.)

(pathan)